



United States  
**Office of  
Personnel Management**

Chicago Oversight Division  
230 South Dearborn, 30th Floor  
Chicago, Illinois 60604-1687

In Reply Refer To:

Your Reference:

**OPM decision number:** F-0081-08-01

[claimant's name]

[address]

[city, state]

Dear [claimant's name]:

This is in response to [claimants' names] letter in which you claim you are due overtime pay for hours worked during 1989 and earlier years as a Fire Protection Inspector, GS-081-7/8, with [air force base][location].

The Fair Labor Standards Act (FLSA), which governs overtime payment to nonexempt positions such as yours, gives the Office of Personnel Management (OPM) authority to administer the FLSA as it applies to Federal employees. A two year time limit applies to FLSA claims, unless they involve wilful violations, which have a three year limit. Employee claims filed before June 30, 1994, however, are subject to a six year limit (an exception granted by Public Law 103-329) unless the employee has received any compensation for overtime worked during the claim period under any other provision of law (a restriction imposed by Public Law 104-52). Claims for time spent commuting between home and duty station are also excluded from the six year exception.

However, employees who are covered by a bargaining agreement that does not specifically exclude FLSA claims must follow their negotiated grievance procedure when making an FLSA claim. OPM does not process such claims since the negotiated procedure provides the exclusive administrative remedy for employees who are or were covered by a bargaining agreement during any part of their claim.

Fire Inspectors at [air force base] are covered by a labor management agreement between the base and American Federation of Government Employees (AFGE) Local 2884. This agreement provides the exclusive remedy for the settlement of bargaining unit grievances concerning FLSA pay claims, since it does not specifically exclude these matters from its coverage. Any grievance or FLSA claim not satisfactorily settled under the grievance procedure is subject to binding arbitration. Arbitration may be invoked by either AFGE or by the base. However, OPM has no role in resolving such a grievance or claim.

Please contact Mrs. Margaret James on (312) 353-0387 if you have questions concerning this matter.

Sincerely,

/s/ 3/11/98

Frederick J. Boland  
FLSA Claims Officer

cc: [claimant's name and address]

[name]

Civilian Personnel Officer

[activity]

Department of the Air Force

[address]

CHOD:MAJames:maj:3/11/98(amp)